

The Honorable Marc L. Barreca
Hearing Date: April 24, 2015
Hearing Time: 9:30 a.m.
Hearing Location: Seattle, 7106
Response Date: April 17, 2015

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

In re

Case No. 13-19298-MLB

NATIONAL MOLECULAR TESTING
CORPORATION,

Debtor.

TRUSTEE'S MOTION FOR ORDER
ESTABLISHING PRE-TRUSTEE
ADMINISTRATIVE CLAIM BAR DATE
AND GRANTING RELATED RELIEF

Mark Calvert, the Chapter 11 Trustee (the “Trustee”) of Natural Molecular Testing Corporation (the “Debtor”), through his counsel of record, hereby files this Motion (the “Motion”) for an Order (i) establishing a bar date for filing Administrative Claims (as defined below) incurred through September 29, 2014, (ii) approving the form and manner of notice of such bar date as proposed in this Motion, and (iii) approving the proof of claim form attached hereto. In support of the Motion, the Trustee states as follows:

**MOTION FOR ORDER SETTING
ADMINISTRATIVE CLAIM BAR DATE – 1**

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Jurisdiction

1. The Court has subject matter jurisdiction to consider this matter pursuant to 28 U.S.C. § 1334.

2. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

3. Venue is proper before this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

Relief Requested

4. By this Motion, the Trustee requests entry of an Order establishing a bar date for filing Administrative Claims (defined below) that arise during the Administrative Claim Period (defined below). Debtor also requests that the Order approve the form and manner of notice and the administrative claim form, all as set forth herein.

Background

5. On October 21, 2013 (the “Petition Date”), Debtor commenced a voluntary Chapter 11 case under Title 11 of the United States Code (the “Bankruptcy Code”) in this Court. Debtor continues to operate its business as debtor and debtor in possession pursuant to Code Sections 1107(a) and 1108(b).

6. On September 29, 2014 (the “Appointment Date”), an order was entered appointing Mark Calvert as the Chapter 11 Trustee in this bankruptcy proceeding.

7. The Debtor has had active operations between the Petition Date and the Appointment Date (the “Administrative Claim Period”), and Debtor may have incurred

**MOTION FOR ORDER SETTING
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1 administrative liabilities during the Administrative Claim Period that are not immediately
2 obvious to the Trustee.
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5 8. The Trustee must understand the magnitude of administrative claims against
6 the Debtor because under applicable law those claims must be paid in prior to any payments
7 to unsecured creditors.
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10 9. Therefore, in an effort to quantify such administrative claims, the Trustee
11 seeks an Order fixing a deadline by which any creditor asserting an Administrative Claim
12 against Debtor must file such Administrative Claim. For the purposes of this Motion,
13 "Administrative Claims" means those claims for payment of an administrative expense
14 under Bankruptcy Code Section 503(b) and entitled to priority pursuant to Bankruptcy Code
15 Section 507(a)(1) that arise during the Administrative Claim Period, October 21, 2013
16 through September 29, 2014. The Trustee requests that Administrative Claims subject to the
17 Administrative Claim Bar Date **include** claims for compensation and reimbursement of
18 expenses through September 29, 2014 for any professional retained in these chapter 11 cases
19 pursuant to separate Bankruptcy Court order, to be submitted in accordance with Bankruptcy
20 Code §§ 328, 330, 331, or 503(b).
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23 10. For purposes of this Motion, the term Administrative Claim does **not** include
24 any of the following:
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27 a. All fees payable under 28 U.S.C. § 1930; and
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29 b. Any administrative claim previously allowed by specific Order of the
30 Court.
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MOTION FOR ORDER SETTING
ADMINISTRATIVE CLAIM BAR DATE – 3

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1 11. The Trustee requests that the deadline for filing such Administrative Claims
2 be May 31, 2015 (the “Administrative Claim Bar Date”). The Administrative Claim Bar
3 Date will provide for approximately sixty days' notice to any creditor who believes it has an
4 Administrative Claim. This date provides ample time for holders of such claims to quantify
5 and file claims. The Administrative Claim Bar Date also will allow the Trustee time to
6 review and analyze the Administrative Claims.
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14 12. The Trustee requests that, except for professionals subject to Bankruptcy
15 Code §§ 328, 330, 331, or 503(b), all holders of Administrative Claims file a proof of claim
16 in the form attached hereto as Exhibit A and that any holder of an Administrative Claim who
17 does not file its claim on or before the Administrative Claim Bar Date shall be forever
18 barred from asserting such claim against Debtor or its estate.
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26 13. The Trustee further requests that the Court approve the form of Notice of
27 Administrative Claim Bar Date attached hereto as Exhibit B. Debtor proposes to serve the
28 Notice by: (i) electronic service to all entities receiving electronic notice in this case; (ii) by
29 first class mail, postage pre-paid, to all other parties entitled to notice pursuant to
30 Bankruptcy Rule 2002, and to all parties appearing in Debtor's books and records as likely to
31 assert Administrative Claims, such as landlords and post-petition vendors; and (iii) by first
32 class mail, postage pre-paid, to all parties on the Court's mailing matrix.
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42 14. Debtor requests that holders of Administrative Claims be allowed to file their
43 claims in the form attached hereto in the same manner pursuant to which creditors are
44 authorized to file proofs of claim with this Court, including by electronic filing (if such
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MOTION FOR ORDER SETTING
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1 claim holder has fulfilled the requirements for filing electronically with this Court), and that
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3 all claim holders serve a copy of such claim upon counsel for the Trustee by mail, fax or
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5 email at the addresses of the undersigned below.
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7 WHEREFORE, the Trustee respectfully requests that the Court enter an Order:
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10 (i) establishing May 31, 2015 as the bar date for filing Administrative Claims arising during
11 the Administrative Claim Period; (ii) approving the form and manner of notice proposed by
12 the Trustee in this Motion, including the form of noticed attached hereto as Exhibit B;
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14 (iii) approving the proof of claim form attached hereto as Exhibit A; and (iv) for such other
15 and further relief as is just and proper.
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21 DATED: April 1, 2015

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25 **PERKINS COIE LLP**
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27

28 By: /s/ John S. Kaplan

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MOTION FOR ORDER SETTING
ADMINISTRATIVE CLAIM BAR DATE – 5

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